

ALLISON J. CHEUNG, CSBN 244651
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (510) 970-4811
Facsimile: (415) 744-0134
E-Mail: allison.cheung@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BETTY RODRIGUEZ,
Plaintiff,

V.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,¹
Defendant.

Case No.: 2:20-cv-02309-CLB

**UNOPPOSED MOTION FOR
EXTENSION OF TIME
(*FIRST REQUEST*)**

Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned counsel, hereby requests an extension of time to file his Cross-Motion to Affirm and Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

2 2. Defendant’s response to Plaintiff’s opening brief is currently due October 8, 2021.
3 Defendant has not previously requested an extension of time for this deadline.

4 3. The Region IX Office currently handles all district and circuit court litigation involving
5 the Social Security program arising in Arizona, California, Hawai’i, Nevada, and Guam.

6 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling civil
7 litigation involving the Social Security program in the eight assigned jurisdictions. Most of the attorneys
8 who handle program litigation cases have additional responsibilities, such as litigating in other practice
9 areas described below, acting as Jurisdictional leads, reviewing the work product of junior attorneys,
10 conducting trainings, and participating in national workgroups. In addition, because of attorneys taking
11 unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases and substitute
12 in new counsel who have had to absorb these re-assigned cases into their existing caseloads.

13 5. As of September 14, 2021, the Region IX Office has 404 district court briefs due in the
14 next sixty days in the jurisdictions it handles; at least 300 of these are due in the next thirty days. In
15 addition, the Region IX Office has nine appellate cases pending for briefing.

16 6. In addition to “program” litigation, the Region IX Office provides a full range of legal
17 services as counsel for the Social Security Administration, in a region that covers four states (including
18 the most populous state in the nation) and three territories. These other workloads include employment
19 litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging
20 topics, including Regional office client requests for advice on program issues, employee conduct and
21 performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure,
22 and torts. Because of the high volume of program litigation cases, the Region IX Office has had to focus
23 its efforts on processing only other workloads that are subject to statutory, regulatory, and court
24 deadlines.

25 7. The undersigned attorney has nine briefs due in district court cases over the next month.

1 This number is expected to increase in the next week, with more Plaintiff's briefs to be filed. In addition
2 to cases in the active briefing stage, the undersigned must also allocate time to work on cases in other
3 stages of litigation. Since Plaintiff's motion was filed, the undersigned has worked on over 25 district
4 court cases at varying stages of litigation. Counsel is also responsible for other substantive non-litigation
5 matters in the Region IX Office.

6 8. Due to the volume of the overall workload within the Region IX Office, neither the
7 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
8 briefing by the current due date of October 8, 2021. Therefore, Defendant seeks an extension of 30
9 days, until November 8, 2021 to respond to Plaintiff's motion.

10 9. This request is made in good faith and is not intended to delay the proceedings in this
11 matter.

12 10. On September 30, 2021, counsel for Defendant conferred with Plaintiff's counsel, who
13 has no opposition to this motion.

14 WHEREFORE, Defendant requests until November 8, 2021, to respond to Plaintiff's Motion
15 for Reversal and/or Remand.

16 Dated: September 30, 2021

Respectfully submitted,

17 CHRISTOPHER CHIOU
18 Acting United States Attorney

19 /s/ Allison J. Cheung
20 ALLISON J. CHEUNG
Special Assistant United States Attorney

21
22 IT IS SO ORDERED:

23 
24 UNITED STATES MAGISTRATE JUDGE

25 DATED: September 20, 2021

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME (*FIRST REQUEST*)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Ashish A. Agrawal
ashish@ssihelp.us
Attorney for Plaintiff

Hal Taylor
haltaylorlawyer@gbis.com
Attorney for Plaintiff

Dated: September 30, 2021

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney